

PLANNING COMMISSION DRAFT MINUTES OF 02/28/05

2004-0164 City of Sunnyvale Study Issue: Clarify California Environmental Quality Act (CEQA) and Heritage Preservation Commission Role in Relation to the Heritage Preservation Code GC **(Also to City Council on 03/22/05)**

Commissioner Larry Klein stepped down.

Gerri Caruso, Project Planner, presented the staff report. She summarized the application and stated that the item was a Study Issue that was adopted by and ranked by the City Council in the year 2004. She stated that due to other work that was set as new priorities the Study Issue was delayed. Staff clarified the two levels of resources in the code which are Heritage Resources and Heritage Resource Districts. Staff also spoke of the code changes that were a result of the study and stated that staff is recommended that the role of the Heritage Preservation Commission is expanded to review significant changes to heritage resources. Staff recommended adoption of the modifications to the Heritage Resource code.

Comm. Babcock stated that over 25% of the houses on the inventory list have been lost. She asked staff what is currently being done to add to the list. Staff responded that grants have not been received in recent years in order to do additional inventory. She stated that there is a process where every year staff evaluates two properties considered resources to be upgraded to landmarks in order to give them higher protection. Staff stated that there was a list with 7 properties adopted by the Heritage Preservation Commission and City Council of properties to send through that process. Three properties have been reviewed to date.

Comm. Babcock further stated that in previous years Commissioners used to do all of the research and then submit the information to staff for review. She asked if that is no longer being done. Staff responded that because of the changes to the law in California it is necessary for someone to have state recognized credentials to do the evaluation of each property. Staff then stated that people on the Commission might have the knowledge to visually pick houses that they though might meet historic standards where it would take a historian to do the research that is necessary to prepare the state forms that are needed.

Comm. Babcock asked staff if there was a way to flag a resource house if someone came to the front counter asking for an alteration permit or demolition permit. Staff responded that all the houses on the list do come up as flagged but staff would have to do an extra level of research in order to determine the year something was constructed. Comm. Babcock expressed concerns with houses that have not been placed on the list and stated that the City will lose a lot more houses in the next 20 years. Staff suggested that when the grant period comes up the City can apply for an inventory project and pursue inventory grants if they offer them this year. Ms. Trudi Ryan, Planning Officer, added that the Study Issue is only dealing with items that are currently only on the list and does not in

any way address whether something should be on the list. Comm. Babcock asked staff if it was not appropriate to add a Condition of Approval asking staff to explore with the Heritage Preservation Commission how to add resources to the list. Ms. Ryan responded that it could be suggested as a potential Study Issue.

Comm. Simons referred to the last section of the draft Ordinance regarding posting and publication and asked staff if it would be any problem to post a notification in the City's Web site to allow people who visit the site on a regular basis the opportunity to view the notice. Ms. Ryan responded that it would be unusual to post a notice on the Web and was not sure that it would be found. She noted that all of the owners on the Heritage Resource Inventory were notified about the item and only received a few telephone calls.

Vice Chair Hungerford referred to the draft Ordinance under section 19.96.095c and clarified with staff that all resource alteration permit applications or sources listed already on the Heritage Resource list has to be forward and reviewed by the Heritage Preservation Commission. Staff agreed and stated that the code does make provisions that staff may review minor applications.

Chair Moylan opened the public hearing.

Greg Maltz, member of the public, stated that he owns a house listed in the Heritage Resource list. He stated that he is planning an addition to the house and after months of working with the Planning Division he was informed that he would need a historic assessment done to his house by an expert architect. He stated that he had already submitted his plans when he was made aware of the assessment. He added that it came as a surprise to him and was quite expensive. Mr. Maltz encouraged the Commission to change the current rules. He then stated that it is a daunting challenge to a home owner to get an assessment done and it is not communicated properly that an assessment will be needed until late in the process.

Comm. Sulser asked Mr. Maltz how much the assessment cost. Mr. Maltz responded that it cost \$2,900.00

Comm. Simons asked staff if there were any limits on the expense that can be asked of an applicant. Ms. Ryan responded that there was not a limit on the expensive.

Chair Moylan closed the public hearing.

Comm. Babcock made a motion on Item 2004-0164 to adopt the attached draft ordinance and establish a new fee for minor and major Resource Alteration Permits and request that staff work with the Heritage Preservation Commission on a Study Issue to establish how to identify other resources that have not made it to the list such as anything before 1939 and how to get funded to do so. Comm. Simons seconded.

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Comm. Simons recommended staff that the notification process be updated in the Web and easier to find.

Comm. Sulser supported the motion. He stated that he hopes the City can be more aggressive in the future in terms of historic preservation.

Comm. Babcock added that she was very pleased to see the Study Issue come through and has been waiting for it for many years. She also stated that she is very pleased to see that the City is putting tighter controls but doing it within reasons.

Motion carried 5-0 with Comm. Klein reclusing himself as he owns property that is designated as a Heritage area and Comm. Fussell absent.

Ms. Ryan stated that the item would be forwarded to the City Council with the Planning Commission and Heritage Preservation Commission recommendation for their meeting of March 22, 2005.